

### AMENDMENTS TO THE CLAIMS

1. (Previously presented): An apparatus for cutting material inside an intervertebral spinal disc, the intervertebral spinal disc having a disc body formed of a nucleus and annulus, through a trans-sacral axial bore extending cephalad and axially from a sacral position of a sacral vertebral body through one or more vertebral body and through a vertebral body endplate and axial disc opening into the nucleus of the intervertebral spinal disc, the apparatus comprising:

an elongated discectomy instrument having a discectomy instrument body extending between a discectomy instrument proximal end and instrument distal end, a cutting head located in a distal portion of the discectomy instrument, the instrument body and cutting head dimensioned to fit within and to extend through the axial bore; and

an anterior tract sheath having a beveled distal end for engaging an anterior surface of the sacral vertebral body;

wherein the beveled distal end of the anterior tract sheath facilitates anchoring of the anterior tract sheath onto the anterior surface of the sacral vertebral body from a para coccygeal skin access point.

2. (Previously presented): The apparatus of Claim 1, further comprising aspiration means for aspirating a disc cavity or disc space within the intervertebral spinal disc.

3. (Previously presented): The apparatus of Claim 1, wherein the cutting head comprises a fragmenting element for fragmenting the nucleus or annulus into fragments to form a disc cavity or disc space within the intervertebral spinal disc.

4. (Original): The apparatus of Claim 3, further comprising aspiration means for aspirating nucleus or annulus fragments from the disc cavity or disc space.

5. (Original): The apparatus of Claim 3, further comprising:  
irrigation means for delivering irrigation fluid into the disc cavity or disc space; and  
aspiration means for aspirating the nucleus fragments and irrigation fluid from the disc cavity or disc space.

6. (Cancelled)

7. (Cancelled)

8 - 11 (Cancelled)

12. (Withdrawn): The apparatus of Claim 1, wherein the laterally extending means further comprises a pull wire extending through a pull wire lumen of the discectomy instrument body extending from the discectomy instrument proximal end to the discectomy instrument distal end, the pull wire extending between a pull wire proximal end and a pull wire distal end attached in relation to the cutting head to orient the cutting head laterally within the disc cavity or disc space at an angle with respect to the discectomy instrument body within the axial bore.

13. (Withdrawn): The apparatus of Claim 12, wherein:

the discectomy instrument body further comprises a tubular discectomy instrument shaft, the discectomy instrument shaft having a shaft lumen extending between a discectomy instrument shaft proximal end and a discectomy instrument shaft distal end, the discectomy instrument shaft having a cutting tool deploying distal opening;

the cutting head comprises at least one fragmenting element fitted within the discectomy instrument shaft lumen that is retracted into alignment with the discectomy instrument shaft and is confined within the shaft lumen during introduction of the discectomy instrument through the axial bore and that is extendable outward from the deflection catheter distal lumen opening and into the nucleus; and

the operating means further comprises:

means for extending the fragmenting element through the distal lumen opening and outward from the discectomy instrument shaft; and

shaft rotating means coupled to the shaft proximal end for sweeping the fragmenting element at least partially around the disc opening to sweep through the nucleus to fragment at least a portion of the nucleus to form the disc cavity or disc space.

14. (Withdrawn): The apparatus of Claim 12, wherein:

the discectomy instrument body further comprises a tubular discectomy instrument shaft extending through said deflection catheter lumen, the discectomy instrument shaft having a shaft lumen extending between a discectomy instrument shaft proximal end and a discectomy instrument shaft distal end, the discectomy instrument shaft having a cutting tool deploying side opening;

the cutting head comprises at least one fragmenting element fitted within the discectomy instrument shaft lumen that is retracted into alignment with the discectomy instrument shaft and is confined within the deflection catheter lumen during introduction of the discectomy instrument through the axial bore and that is extendable outward from the side lumen opening and into the nucleus; and

the operating means further comprises:

means for extending the fragmenting element through the side opening and away from discectomy instrument shaft distal end; and

deflection catheter rotating means coupled to the deflection catheter proximal end for sweeping the fragmenting element at least partially around the disc opening to sweep through the nucleus to fragment at least a portion of the nucleus to form the disc cavity or disc space.

15 - 17 (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Cancelled)

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24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. (Withdrawn): The apparatus of Claim 1, wherein:

the cutting head comprises an elongated, flexible, wire assuming a planar spiral shape when unrestrained and capable of being straightened; and

the operating means further comprises means for selectively advancing the wire into the nucleus where the wire assumes the planar spiral shape with spiral turns pressing outward against and through the nucleus and toward the annulus to form the disc cavity or through the annulus to form the disc space.

30. (Withdrawn): The apparatus of Claim 29, further comprising means for rotating the wire at least partially around the disc opening to sweep the planar spiral shape through the nucleus to press through at least a portion of the nucleus or annulus to form the disc cavity or disc space.

31. (Withdrawn): The apparatus of Claim 29 further comprising energy source means coupled to the wire to apply energy through the wire in the spiral shape that desiccates the nucleus or the annulus contacted by the wire.

32. (Cancelled)

32. (Cancelled)

33. (Withdrawn): The apparatus of Claim 1, wherein:  
the cutting head comprises an elongated, flexible, wire assuming a planar spiral shape when unrestrained and capable of being straightened;  
the laterally extending means further comprises a deflection catheter having a deflection catheter lumen extending between a deflection catheter proximal and a deflection catheter distal end, wherein a distal portion of the deflection catheter is angled with respect to a proximal portion of the deflection catheter to orient the deflection catheter lumen distal end opening at about 90° with respect to the deflection catheter lumen in the proximal portion of the deflection catheter; and  
the operating means further comprises:  
means for selectively advancing the wire through said deflection catheter lumen and out of the catheter lumen distal end opening into the nucleus, whereby the wire assumes the planar spiral shape with spiral turns pressing outward against the nucleus and toward the annulus; and  
deflection catheter rotating means coupled to the deflection catheter proximal end for sweeping the cutting wire at least partially around the disc opening to sweep the planar spiral shape through the nucleus to fragment at least a portion of the nucleus or annulus to form the disc cavity or disc space.

34. (Withdrawn): The apparatus of Claim 33, further comprising energy source means coupled to the wire extending through the deflection catheter lumen to apply energy to the spiral wire advanced into the nucleus that desiccates the nucleus or the annulus contacted by the wire.

35. (Withdrawn): The apparatus of Claim 34, wherein the wire comprises a resistance heating element that is energized to delivery thermal energy to the nucleus.

36. (Withdrawn): The apparatus of Claim 34, wherein the wire comprises an electrocautery electrode that is energized to cauterise the nucleus.

37. (Withdrawn): The apparatus of Claim 1, wherein:

the discectomy instrument body further comprises a tubular discectomy instrument shaft, the discectomy instrument shaft having a shaft lumen extending between a shaft lumen proximal end opening and a shaft lumen distal end opening,

the cutting head comprises at least one cutting wire extending distally from the shaft distal end to a cutting wire distal end that is extended into alignment with the discectomy instrument shaft and is confined within the axial bore during introduction of the discectomy instrument through the axial bore to locate the cutting wire extending axially between cephalad and caudal axial disc openings to an intervertebral spinal disc;

the laterally extending means comprises a pull wire extending through the shaft lumen and coupled to the cutting wire distal end for forming a bowed out cutting wire loop by retraction of the pull wire into the shaft lumen, whereby the cutting wire is bowed laterally into the disc nucleus; and

the operating means further comprises shaft rotating means coupled to the shaft proximal end for sweeping the bowed out cutting wire loop at least partially around the disc openings to sweep through the nucleus to fragment at least a portion of the nucleus to form a disc cavity.

38. (Withdrawn): The apparatus of Claim 1, wherein:

the discectomy instrument body further comprises a tubular discectomy instrument shaft, the discectomy instrument shaft having a shaft lumen extending between a shaft lumen proximal end opening and a shaft lumen distal end opening,

the cutting head comprises a plurality of cutting wires extending distally from the shaft distal end to a common cutting wire distal end that are extended into alignment with the discectomy instrument shaft and are confined within the axial bore during introduction of the discectomy instrument through the axial bore to locate the cutting wires extending axially between cephalad and caudal axial disc openings to an intervertebral spinal disc;

the laterally extending means comprises a pull wire extending through the shaft lumen and coupled to the common cutting wire distal end for forming a plurality of bowed out cutting wire loops by retraction of the pull wire into the shaft lumen, whereby the cutting wires are bowed laterally into the disc nucleus and radially outward from the retracted pull wire; and

the operating means further comprises shaft rotating means coupled to the shaft proximal end for sweeping the bowed out cutting wire loops at least partially around the disc openings to sweep through the nucleus to fragment at least a portion of the nucleus to form a disc cavity.

39. (Withdrawn): The apparatus of Claim 1 wherein:

the cutting head comprises an energy emitting head located at the discectomy instrument body distal end;

the discectomy instrument further comprises energy delivery means for delivering energy to the energy emitting head; and

the operating means further comprises energy source means coupled to the energy delivery means for energizing the energy emitting head to apply energy to the nucleus that desiccates at least a portion of the nucleus to form the disc cavity or desiccates at least a portion of the annulus to form the disc space.

40. (Withdrawn): The apparatus of Claim 39, wherein the energy emitting head comprises a heating element that is energized to delivery thermal energy to the nucleus or annulus.

41. (Withdrawn): The apparatus of Claim 39, wherein the energy emitting head comprises an optical laser that is energized to delivery lasing thermal energy to the nucleus or annulus.

42. (Withdrawn): The apparatus of Claim 39, wherein the energy emitting head comprises an electrocautery electrode that is energized to cauterise the nucleus.

43. (Withdrawn): The apparatus of Claim 39, wherein the laterally extending means further comprises a deflection catheter having a deflection catheter lumen extending between a deflection catheter proximal and a deflection catheter distal end, wherein a distal portion of the deflection catheter is angled with respect to a proximal portion of the deflection catheter to orient the deflection catheter lumen distal end opening at about -90° with respect to the deflection

catheter lumen in the proximal portion of the deflection catheter and the discectomy instrument body and energy emitting head are extended through the deflection catheter.

44. (Withdrawn): The apparatus of Claim 39, wherein the laterally extending means further comprises a pull wire extending through a pull wire lumen of the discectomy instrument body extending from the discectomy instrument proximal end to the discectomy instrument distal end, the pull wire extending between a pull wire proximal end and a pull wire distal end attached in relation to the energy emitting head to orient the energy emitting head laterally within the disc cavity or disc space at an angle with respect to the discectomy instrument body within the axial bore.

45 - 47 (Cancelled)

48. (Previously presented): The apparatus of Claim 1, further comprising:  
means for accessing the sacral position of the sacral vertebral body; and  
means operable from the accessed sacral position for boring a trans-sacral axial bore cephalad and axially through a series of adjacent vertebral bodies and any intervening spinal discs.

49. (Previously presented): The apparatus of Claim 1, further comprising:  
means for accessing the anterior surface of the sacral vertebral body; and  
means operable from the accessed anterior surface for boring a trans-sacral axial bore cephalad and axially through a series of adjacent vertebral bodies and any intervening spinal discs.

50. (Withdrawn): The apparatus of Claim 1, further comprising:  
means for accessing a posterior sacral position of a sacral vertebral body; and  
means operable from the accessed posterior sacral position for boring a curved trans-sacral axial bore cephalad and axially following the curvature of the spine through the vertebral bodies of a series of adjacent vertebral bodies and any intervertebral, spinal discs and into or



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through the selected spinal disc providing at least a caudal axial disc opening into the nucleus of the selected spinal disc.

51. (Withdrawn): The apparatus of Claim 31, wherein the wire comprises a resistance heating element that is energized to delivery thermal energy to the nucleus.

52. (Withdrawn): The apparatus of Claim 31, wherein the wire comprises an electrocautery electrode that is energized to cauterise the nucleus.